

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51003 of 2022

Arising Out of PS. Case No.-38 Year-2022 Thana- ALAMNAGAR District- Madhepura

1. BHUSHAN SINGH Son of Late Rabby Singh @ Late Ravi Singh R/V- Khurhan Maal Doctor Basa Ward No. 8, P.S- Alam Nagar, Dist- Madhepura
2. Santosh Singh Son of Bhushan Singh R/V- Khurhan Maal Doctor Basa Ward No. 8, P.S- Alam Nagar, Dist- Madhepura
3. Bipin Singh Son of Bhushan Singh R/V- Khurhan Maal Doctor Basa Ward No. 8, P.S- Alam Nagar, Dist- Madhepura
4. Shambhu Singh @ Shambhu Kumar Singh Son of Bhushan Singh R/V- Khurhan Maal Doctor Basa Ward No. 8, P.S- Alam Nagar, Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate

For the Opposite Party/s : Mr. Amit Kumar Rakesh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 07-02-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners seeks permission to withdraw this application of petitioner no. 4, namely Shambhu Singh as he has already been arrested.

Permission is accorded.



Accordingly, this application is dismissed as withdrawn.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Section 302 read with Section 34 of the Indian Penal Code.

As per the prosecution case, on 23.02.2022, in the night, the co-accused persons and 5-4 unknown miscreants committed murder of the husband of the informant and the mobile of her husband was found switched off from 18.02.2022.

Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. There is general and omnibus allegation against the petitioners. The petitioners are not named in the F.I.R. The re-statement of the informant was recorded where she has not stated the name of the petitioners in the crime alleged. After lapse of two months, the re-statement of the informant was again recorded in which she has stated the name of the petitioners which shows the false implication of the petitioners. The petitioners have got clean antecedent as stated in para 3 of the bail petition.

Learned A.P.P. for the State has opposed the prayer



for anticipatory bail of the petitioners.

Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/ surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bonds of Rs. 20,000/-(Twenty Thousand)each with two sureties of the like amount each to the satisfaction of Court concerned, Madhepura in connection with Alam Nagar P.S. Case No. 38 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

The application stands allowed.

(Chandra Prakash Singh, J)

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